



OCT 08 2001

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In re Application of BEVERIDGE et al
U.S. Application No.: 09/868,880
Int. Application No.: PCT/GB99/03485
Int. Filing Date: 21 October 1999
Priority Date: 23 October 1998
Attorney Docket No.: DEXNON/110/PC/US
For: NONWOVEN FOR POLYMER
MOULDING APPLICATIONS

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 June 2001.

BACKGROUND

On 21 October 1999, applicants filed international application PCT/GB99/03485, which claimed priority of an earlier European Patent Office application filed 23 October 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 04 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 May 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 23 April 2001.

International application PCT/GB99/03485 became abandoned as to the United States at midnight on 23 April 2001 for failure to pay the basic national fee.

On 22 June 2001, applicants filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional."

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicants have submitted \$690.00 towards the basic national fee under 35 U.S.C. 371. As the application was filed with an International Search Report prepared by the European Patent Office, the requisite basic national fee is \$860.00 as set forth by 37 CFR 1.492(a)(5). Furthermore, applicants have submitted \$39.00 towards the fee for the presence of an extra independent claim. As set forth by 37 CFR 1.492(b), such fee is \$80.00. The fee deficiency of \$211.00 (i.e. \$170.00 + \$41.00) will be charged to Deposit Account No. 16-2563 per applicants' authorization.

With regard to item (2), applicants have provided the required petition fee.


With regard to item (3), applicants have provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the appropriate late filing surcharge must be submitted.


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